

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED

JUL 12 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

ROBERT STONE,

Petitioner,

vs.

JAMES SALMONSON,

Defendant.

CV 18-48-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Order and Findings and Recommendations (Doc. 5) in this case on May 8, 2018, recommending dismissal of Petitioner Robert Stone's ("Stone") petition for writ of habeas corpus under 28 U.S.C. § 2254. By failing to timely object to the Findings and Recommendations, Stone waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch found, and this Court agrees, that that this matter should be dismissed because Stone has not filed an individual petition for habeas corpus relief as directed. Stone is precluded from filing his request for habeas relief en


masse with other petitioners. Thus, his petition will be dismissed without prejudice.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 5) are ADOPTED IN FULL. Stone's Petition (Doc. 2) is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

DATED this 12th day of July, 2018.



Dana L. Christensen, Chief Judge
United States District Court